

MAR 11 2008

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A "PRIOR" PATENT

In re Application of: Jonanthan Dorfman

Application No.: 09/372,416

Filed: August 11, 1999

For: System and method for real-time bidding for Internet advertising space

The owner, BEH Investments LLC, of one hundred percent interest (100%) in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of **prior patent** No. 6,285,987, as the term of said **prior patent** is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the **BEH Investments LLC**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<u>Benzion Wachsman</u>	<u>3/11/2008</u>
Signature	Date
<u>Benzion A. Wachsman, General Manager</u>	<u>(718) 928-2213</u>
Typed or printed name	Telephone Number

Note: Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is being concurrently submitted.

03/12/2008 PCHOMP 00000021 09372416

01 FC:2814

65.00 OP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 11 2008

In re Patent Application of:  
Jonathan Dorfman

Application No.: 09/372,416

Group Art Unit: 2178

Filed: August 11, 1999

Examiner: T. V. Huynh

For: System and method for real-time bidding for  
Internet advertising space

**STATEMENT UNDER 37 CFR § 3.73(b)**

BEH Investments LLC, a Delaware limited liability corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above, by virtue of a chain of title from the inventor of the patent application identified above, to the current assignee as shown below:

1. From: David W. Roth; Dylan F. Salisbury To: Orst, Inc.  
The document was recorded in the United State Patent and Trademark Office at Real **008368**, Frame **0113**.
2. From: Orst, Inc. To: Flycast Communications Corp.  
The document was recorded in the United State Patent and Trademark Office at Real **009836**, Frame **0118**.
3. From: Flycast Communications Corp. (a California Corporation)  
To: Flycast Communications Corp. (a Delaware Corporation)  
The document was recorded in the United State Patent and Trademark Office at Real **017811**, Frame **0238**.
4. From: Orst, Inc. To: Engage, Inc.  
The document was recorded in the United State Patent and Trademark Office at Real **011903**, Frame **0079**.
5. From: Jonathan Dorfman To: Flycast Communications Corp.  
The document was recorded in the United State Patent and Trademark Office at Real **010167**, Frame **0961**.
6. From: Flycast Communications Corp. To: Engage Technologies  
The document was recorded in the United State Patent and Trademark Office at Real **012077**, Frame **0149**.
7. From: Engage Technologies To: Engage, Inc.

The document was recorded in the United State Patent and Trademark Office at  
Real 012592, Frame 0308.

8. From: Engage, Inc. To: BEH Investments LLC

The document was recorded in the United State Patent and Trademark Office at  
Real 013936, Frame 0257.

9. From: Craig R. Jalbert, Liquidating Supervisor of Engage, Inc.

To: BEH Investments LLC

The document was recorded in the United State Patent and Trademark Office at  
Real 018535, Frame 0073.

The undersigned is duly authorized to act on behalf of Assignee.

Dated: March 11, 2008

Respectfully submitted,

Signature: /Benzion A. Wachsman/  
Benzion A. Wachsman  
General Manager, BEH Investments LLC  
(718) 928-2213